

REMARKS

In the above-identified Office Action the examiner rejected claims 5-6 and 8 under 35 USC 112, second paragraph as being indefinite. The examiner rejected claims 5-6 and 8 under 35 USC 102(b) as anticipated by or, in the alternative, under 35 USC 103(a) as obvious over EP 761,778 A1 to Snyder, et al. (“Snyder”).

Claims 5-6 and 8, as amended, are directed to a method of inhibiting the loss of solar reflectance over time of an exterior elastomeric coating composition including forming the coating composition comprising an organic binder, the organic binder being a water-insoluble latex polymer prepared by emulsion polymerization and having a Tg less than 20°C, at least one inorganic additive, and a solid particulate organic polymer having a Tg greater than 70°C, wherein the solid particulate organic polymer having a Tg greater than 70°C is present in an amount such that a volume ratio of the organic binder to the solid particulate organic polymer having a Tg greater than 70°C is in the range of 1.6 : 1 to 95 : 1; applying the coating composition to an exterior surface; and exposing the coating for a period of greater than 18 months.

Support to the amendment to claim 5 is found in the specification; the amendment is being made in order to clarify the particulate nature of one embodiment of the present invention.

REJECTION OF CLAIMS 5-6 AND 8 UNDER 35 USC 112, SECOND PARAGRAPH

The examiner rejected claims 5-6 and 8 under 35 USC 112, second paragraph as being indefinite over the recited “exposing said coating for a period of greater than 18 months”. Applicants respectfully submit that their claims 5-6 and 8 are directed to a method of inhibiting the loss of solar reflectance over time of an exterior elastomeric coating composition (underlining added). Both the method claims and the specification clearly

establish the context of the execution of their method. As the examiner intuits, the rate of the loss of solar reflectance in an absolute sense is impacted by climate, environmental conditions during the test time span, etc. but applicants submit that their method is functional over the time period claimed, as is consistent with the data provided. Applicants respectfully urge that claims 5-6 and 8 are not indefinite under 35 USC 112, second paragraph and request the examiner to withdraw this reaction.

REJECTION OF CLAIMS 5-8 UNDER 35 USC 102(b)

The examiner rejected claims 5-6 and 8 under 35 USC 102(b) as anticipated by Snyder. The examiner contends that Snyder discloses that “hard polymer particles are present in an amount of from 1 to 60 wt.% and have a glass transition temperature of from 35 to 160 degrees C and wherein the soft particles are present in an amount of from 40 to 99% by weight and have a Tg of from -30 to 75 degrees C.” Applicants traverse the examiner’s characterization of Snyder because Snyder’s disclosures are actually to a blend of a “hard” polymer particle and a multi-stage polymer particle, the multi-stage polymer particle itself including two polymer phases. Nor does Snyder disclose a method by which the Tg of his multi-stage composite particles is to be computed. Applicants submit that that Snyder does not disclose the elastomeric coating composition used in the method of their claims 5-6 and 8, as amended.

Further, applicants respectfully submit that the method of their claims 5-6 and 8, as amended, is not anticipated by Snyder because Snyder does not disclose applying the coating composition to an exterior surface and then exposing the coating to solar energy for a period of greater than 18 months. Applicants traverse the examiner’s contention that exposing the coating for a period of greater than 18 months is inherent in the formation and non-exposure of the coatings disclosed in Snyder.

Applicants submit that their claims 5-6 and 8 are not anticipated under 35 USC 102(b) over Snyder because each and every element of their claims is not disclosed by Snyder. Applicants respectfully request the examiner to withdraw this rejection.

REJECTION OF CLAIMS 5-6 AND 8 UNDER 35 USC 103(a)

The examiner rejected claims 5-6 and 8 under 35 USC 103(a) as being obvious over Snyder. Applicants respectfully submit as that Snyder does not teach or suggest their method as claimed. Firstly, Snyder discloses a coating composition including a blend of hard polymer particles and multi-stage polymer particles. Both the hard polymer particles and multi-stage polymer particles are essential to the performance of Snyder's composition. Nowhere does Snyder suggest or provide motivation to delete his multi-stage polymer particles and to replace them with alternative polymer particles, a change which would be contrary to his essential teaching.

Further, Snyder does not teach or suggest exposing his coating composition to solar energy for a period of greater than 18 months. Nor has the examiner pointed to any teaching or suggestion within Snyder to expect that his composition would lead to the inhibition of the loss of solar reflectance over time to which applicants' method is directed.

Applicants conclude that their claims 5-6 and 8 are not obvious under 35 USC 103(a) over Snyder. Applicants respectfully request the examiner to withdraw this rejection.

Applicants respectfully request the examiner to pass their claims 5-6 and 8, as amended, to allowance at this time. Applicants' agent is available in order to expedite the allowance of this case at 215-641-7822 or by FAX at 215-619-1918.

Respectfully Submitted,



Rohm and Haas Company
Independence Mall West
Philadelphia, PA 19106-2399
Date: October 1, 2003

Ronald D. Bakule
Agent for Applicants
Registration No. 32,681